



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-57 Legistar #: 20141181

Board of Zoning Appeals Hearing: Monday, November 24, 2014

Property Owner: Delk Partners LLC
 3715 Northside Parkway
 Bldg/Ste 400/450
 Atlanta, GA 30327

Applicant: Roger Davis for
 Red Hare Properties LLC
 1998 Delk Industrial Blvd
 Marietta, GA 30067

Address: 1998 Delk Industrial Blvd

Land Lot: 07150 District: 17 Parcel: 0150

Council Ward: 1 Existing Zoning: LI

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the required landscape buffer from 50 ft. to 10 ft. to accommodate new parking lot in the rear yard area of the lot. [§708.26 (I)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



View of 1998 Delk Industrial from entry off Delk Industrial Road



View of the rear of Red Hare Brewery



View of the rear of Red Hare Brewery where new parking lot is proposed

Recommended Action:

Approval, with a stipulation. The applicant for Red Hare Properties, Roger Davis, is requesting a variance to reduce the required landscape buffer in the rear yard area from 50 ft. to 10 ft. to accommodate a new parking lot. The subject property is zoned LI (Light Industrial), along with the surrounding properties to the north, south and east. The property to the west is in Cobb County and is zoned RM-12 (Residential Multifamily).

Section 708.26 (I) regarding landscaping and buffer requirements states that “*when an LI district directly abuts any residential district, a 50-foot buffer shall be established (see standards set forth in Section 710.05). All loading docks shall be screened by either landscaping or a stabilized berm.*” Such buffers are required to protect adjacent residential neighborhoods from potential nuisances associated with more intense light industrial uses.

The Red Hare Brewery will be making renovations to their existing facility, including adding a new brew house and a warehouse. In addition to those renovations, they are also proposing to add a new parking lot in the rear yard of property. If approved, the parking area would be within 10 ft. of the property line for the adjacent apartment complex that is located within Cobb County. With the exception of the proposed parking area, all of the other proposed additions will be within the required building setbacks, and will comply with regulations for the LI zoning district.

While the applicant is only proposing a new parking area to be utilized by employees of the company, which should have little direct impact on the apartments to the rear, it will be very important to provide a substantially improved landscape buffer in the remaining 10 ft. from the parking lot to the property line. Once development plans have been submitted, the City Arborist will have to inspect the property to ensure that the remaining buffer will provide a sufficient visual buffer from the industrial facility to the apartment complex.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

Staff therefore recommends approval of this variance to reduce the required landscape buffer from 50 ft. to 10 ft. to accommodate a new parking area, with the stipulation that the City Arborist will inspect the property to determine whether additional evergreen trees will be required to ensure that an adequate buffer is provided.